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**RULE ADOPTIONS**

**COMMUNITY AFFAIRS  
NEW JERSEY COUNCIL ON AFFORDABLE HOUSING**

*41 N.J.R. 4194(b)*

**Readoption: *N.J.A.C. 5:93***

**Substantive Rules of the New Jersey Council on Affordable Housing for the Period Beginning on June 6, 1994**

Proposed: July 20, 2009 at *41 N.J.R. 2757(a)*.

Adopted: October 14, 2009 by New Jersey Council on Affordable Housing, Lucy Vandenberg, Executive Director.

Filed: October 16, 2009 as R.2009 d.339, **without change**.

Authority: *N.J.S.A. 52:27D-301* et seq.

Effective Date: October 16, 2009.

Expiration Date: October 16, 2014.

As required by the Fair Housing Act ("FHA" or "Act") at *N.J.S.A. 52:27D-307.5*, the Council must adopt all rules, necessary for effectively carrying out the provisions and purposes of the Act. To that end, the Council enacted *N.J.A.C. 5:92* (first round rules), effective August 4, 1986, with subsequent amendments; *N.J.A.C. 5:93* (second round rules), effective June 6, 1994, with subsequent amendments; and *N.J.A.C. 5:94* (third round rules), effective December 20, 2004, with subsequent amendments. On January 25, 2007, *In the Matter of the Adoption of N.J.A.C. 5:94 and 5:95 by the New Jersey Council on Affordable Housing (and related cases)*, 390 N.J. Super. 1 (App. Div. 2007), the New Jersey Superior Court, Appellate Division affirmed in part, reversed in part, and remanded portions of the rules back to the Council for rulemaking. In its decision, the Appellate Division determined that substantive certifications granted prior to the date of its decision could remain in place. On January 22, 2007, the Council proposed new substantive and procedural rules, which became effective on June 2, 2008, with subsequent amendments effective October 20, 2008, as *N.J.A.C. 5:96* and *N.J.A.C. 5:97*. *N.J.A.C. 5:93* is being readopted to remain in place for the few municipalities still under the Council's jurisdiction with valid second round substantive certifications, all of which will expire during 2010.

**Summary of Public Comment and Agency Response:**

The rules proposed for readoption without change were published in the New Jersey Register at *41 N.J.R. 2757(a)* on July 20, 2009. The comment period closed on September 18, 2009.

**No comments were received.**

**Federal Standards Statement**

No Federal standards analysis is required because these rules are not being proposed in order to implement, comply with, or participate in any program established under Federal law or under a State law that incorporates or refers to Federal law, standards or requirements.

**Full text** of the readopted rules can be found in the New Jersey Administrative Code at *N.J.A.C. 5:93*.